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PACIFICORP, an Oregon Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**KLAMATH RIVERKEEPER**, a nonprofit  
public benefit corporation; **HOWARD  
McCONNELL**; **LEAF G. HILLMAN**;  
**ROBERT ATTEBERY**; and  
**BLYTHE REIS**;

Plaintiffs,

v.

**PACIFICORP, INC.**, an Oregon  
Corporation;

Defendant.

CASE NO.: C 07-06199 WHA

**[PROPOSED] ORDER GRANTING  
DEFENDANT'S MOTION TO DISMISS  
DUPLICATIVE SUIT**

Judge: Hon. William H. Alsup

1 Having considered Defendant PacifiCorp's Motion to Dismiss Duplicative Suit;  
 2 Plaintiffs' Opposition thereto; PacifiCorp's Reply; PacifiCorp's Request for Judicial Notice in  
 3 Support of Motion to Dismiss Duplicative Suit; the oral presentations of the parties; and the  
 4 pleadings and papers on file in this case,

5 IT IS HEREBY ORDERED THAT PacifiCorp's Motion to Dismiss Duplicative  
 6 Suit and PacifiCorp's Request for Judicial Notice in Support of Motion to Dismiss Duplicative  
 7 Suit are GRANTED. "Plaintiffs generally have no right to maintain two separate actions  
 8 involving the same subject matter at the same time in the same court and against the same  
 9 defendant." *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir.) (citations  
 10 omitted), *cert. denied*, 76 U.S.L.W. 3303 (U.S. Dec. 10, 2007) (No. 07-467). The present action,  
 11 filed by Plaintiffs on December 3, 2007, involves the same subject matter and same parties and  
 12 was filed in the same court as an action filed by Plaintiffs on May 2, 2006, captioned *McConnell*  
 13 *v. PacifiCorp, Inc.*, No. C-07-02382 WHA (N.D. Cal.). The present suit is duplicative of  
 14 *McConnell v. PacifiCorp, Inc.*, No. C-07-02382 WHA (N.D. Cal.). Pursuant to the rule against  
 15 claim-splitting, Plaintiffs were "required to bring at one time all of the claims against [PacifiCorp  
 16 or its privies] relating to the same transaction or event." *Adams*, 487 F.3d at 693. The present  
 17 suit violates the rule against claim-splitting, and the equities of this case dictate that the present  
 18 suit should be dismissed with prejudice.

19 IT IS SO ORDERED.

20  
 21 Dated:

22  
 23 By: \_\_\_\_\_  
 24 William H. Alsup  
 25 United States District Judge  
 26  
 27  
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